

UNITED STATES DISTRICT COURT

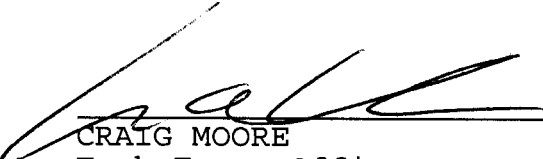
SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 8589

UNITED STATES OF AMERICA, ) Magistrate's Case No.:  
Plaintiff, ) COMPLAINT FOR VIOLATION OF  
v. ) Title 21, U.S.C., § 841(a)(1)  
Fernando RODRIGUEZ-Mendoza ) Possession with Intent to  
Distribute (Felony)  
Defendant. )

The undersigned complainant being duly sworn states:

That on or about June 29, 2008, within the Southern District of California, defendant Fernando RODRIGUEZ-Mendoza did knowingly and intentionally possess, with intent to distribute approximately 85.32 kilograms (188.10 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
CRAIG MOORE  
Task Force Officer  
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1<sup>ST</sup> DAY OF JULY, 2008.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Fernando RODRIGUEZ-Mendoza

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents,  
6 and notes furnished to Craig Moore, Drug Enforcement  
7 Administration Task Force Officer.

8 On June 29, 2008, at approximately 2:30 p.m. U. S. Border  
9 Patrol Agent S. Marino was performing his official duties at the  
10 U. S. Border Patrol Checkpoint located on Highway 86, north of  
11 Westmorland, California. Agent R. Vega was also working the pre-  
12 primary inspection area with his canine.  
13

14 A white in color Ford F-250, bearing Arizona license plate  
15 number AAV7486, approached the primary inspection. As the  
16 vehicle stopped in the primary inspection lane, Agent Marino  
17 identified himself as a United States Border Patrol Agent and  
18 asked the driver, later identified as Fernando RODRIGUEZ-Mendoza  
19 (RODRIGUEZ-Mendoza), to state his citizenship. RODRIGUEZ-Mendoza  
20 stated he was a citizen of Mexico and provided Agent Marino with  
21 a valid Permanent Resident card.  
22

23 While Agent Marino was talking to RODRIGUEZ-Mendoza, Agent  
24 Vega and the canine began to perform an exterior sniff of the  
25 vehicle. The canine alerted to the rear of the pickup truck,  
26 which contained an auxiliary fuel tank and a tool box. At Agent  
27 Vega's direction, Agent Marino sent RODRIGUEZ-Mendoza to the  
28 secondary vehicle inspection area. Agent Vega then asked  
29

1 RODRIGUEZ-Mendoza for consent to search the vehicle, which  
2 RODRIGUEZ-Mendoza granted.

3 Agent Vega then conducted an additional canine sniff and the  
4 canine alerted to the auxiliary fuel tank mounted in the rear of  
5 the truck. An inspection of the fuel tank by Agents Vega and  
6 Madrid revealed it had been bolted to the bed of the truck and  
7 the two bolts appeared to have been recently tampered with. Agent  
8 Madrid then searched the inside of the fuel tank utilizing a  
9 fiber optic scope and noticed the fuel tank had been modified and  
10 contained a separate compartment. Agents Madrid and Vega then  
11 turned the fuel tank onto its' side, which revealed several large  
12 cellophane wrapped bundles. Agents seized a total of nine  
13 bundles containing a green leafy substance which field tested  
14 positive for the presence of marijuana. The total weight of the  
15 packages was 85.32 kilograms (188.10 pounds) of marijuana.

16  
17  
18 USBP Agent Veronica Lozano, read RODRIGUEZ-Mendoza his Miranda  
19 rights in Spanish from a Drug Enforcement Administration 13a  
20 card. RODRIGUEZ-Mendoza acknowledged he understood his rights  
21 and agreed to waive his rights and answer questions. RODRIGUEZ-  
22 Mendoza stated the following:

23  
24 RODRIGUEZ-Mendoza had traveled to San Luis, Mexico, on  
25 Tuesday, June 24, 2008, after a disagreement with his wife.  
26 RODRIGUEZ-Mendoza had stayed with a friend in Mexico until  
27 Sunday, June 29, 2008. His friend's name is Pedro, but doesn't  
28 know his last name. He crossed the San Luis, AZ Port of Entry  
29 into the United States at approximately 11:00 A.M. He went to

1 his residence located at 148 21<sup>st</sup> Drive, Yuma, Arizona, where he  
2 stayed for a few hours before driving up to Indio, California, to  
3 visit a friend and find employment. His friend in Indio is named  
4 Jose. He doesn't know Jose's last name. He was enroute to an  
5 apartment complex, but he (RODRIGUEZ-Mendoza) doesn't know the  
6 name of the apartments or what the address is. He had purchased  
7 the Ford F-250 in Yuma, Arizona, approximately two months ago. He  
8 paid \$5,000.00 cash for the vehicle. He borrowed the money from  
9 a friend in Mexico to purchase the vehicle. He doesn't know what  
10 his friends name is. He didn't know the marijuana was concealed  
11 in the truck.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29